

Texas Commission on Environmental Quality

Investigation Report

Exide Technologies
CN600129787

EXIDE FRISCO BATTERY RECYCLING PLANT

RN100218643

Investigation # 880263

Incident #

Investigator: DOROTHY LEWIS

Site Classification

CONTAINER STORAGE AREA
CONTAINMENT BUILDING
IHW LANDFILL
LARGE QUANTITY GENERATOR
RECEIVER
TANK

Conducted: 06/28/2011 -- 09/09/2011

NAIC Code: 331423

SIC Code: 3341

SIC Code: 2819

NAIC Code: 331492

Program(s): INDUSTRIAL AND
HAZARDOUS WASTE

Investigation Type : Compliance Investigation

Location : 5 MI N & 1 MI W OF INTX OF
SW 121 & 289

Additional ID(s) : 30516
TXD006451090
50206

Address: 7471 5TH ST; FRISCO, TX
75034

Activity Type : REGION 04 - DFW METROPLEX
IHWSPL22 - Reporting Sampling Results
IHWCDI - Case development investigation
IHWSPL - Sampling Investigation

Principal(s) :

Role	Name
Participated in Investigation	CITY OF FRISCO
RESPONDENT	EXIDE TECHNOLOGIES

Contact(s) :

Role	Title	Name	Phone
Participated in Investigation	MANAGING DIRECTOR ENVIRONMENTAL SERVICES	MR DAN WITTLIFF	Work: (512) 494-0369 (512) 494-0205
Regulated Entity Contact	ENVIRONMENTAL SUPERINTENDENT	MR WENDELL CARLILE	Work (972) 335-2121 x. 32 (972) 377-2707
Regulated Entity Contact	ASSISTANT PLANT MANAGER	MR DAVE MCKERCHER	Work (972) 335-2121 x. 20
Notified	ENVIRONMENTAL MANAGER	MR EDWARD HARDY	(972) 377-2707 Work (972) 335-2121 x. 26
Participated in investigation	ENVIRONMENTAL MANAGER	MR EDWARD HARDY	
Participated in Investigation	ASSISTANT CITY MANAGER	MR RON PATTERSON	Work (972) 292-5102

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Regulated Entity Contact

ENVIRONMENTAL
MANAGERMR EDWARD
HARDY**Other Staff Member(s) :****Role****Name**

QA Reviewer

PAULA SEN

Investigator

PIXIE WETMORE

QA Reviewer

CYNTHIA HACKATHORN

Supervisor

ERIN GORMAN

Associated Check List**Checklist Name****Unit Name**IHW INVESTIGATION - EQUIPMENT MONITORING
AND SAMPLING

Exide Frisco

Investigation Comments :**INTRODUCTION**

On June 28, 2011, Ms. Lewis accompanied by Ms. Pixie Wetmore, TCEQ DFW Region Wastewater Investigator, traveled to 7471 5th St., Frisco (Collin County) (site) to conduct a Multi-media Investigation and Industrial and Hazardous Waste (IHW) Sampling Investigation at Exide Technologies (entity). Ms. Lewis contacted Mr. Edward Hardy, interim Environmental Manager for Exide, Mr. Dave McKercher, Assistant Plant Manager for Exide, Mr. Wendell Carlile, Environmental Supervisor for Exide, Mr. Ron Patterson, Assistant City of Frisco Manager, and Mr. Dan Wittliff, Managing Director for GDS Associates Inc. (City of Frisco consultants) at the facility.

From September 6, 2011 to September 9, 2011, Ms. Lewis conducted an IHW Case Development Investigation on records submitted to the TCEQ DFW Region Office on July 14, 2011, July 27, 2011, and July 28, 2011. No additional alleged violations were noted during the investigations. Based on the nature of these investigations, no TCEQ letters were transmitted to Exide. A TCEQ Enforcement Case is being drafted based on previous TCEQ DFW Region Waste Section investigation findings (CCEDS Inv. Report No. 880260).

GENERAL FACILITY INFORMATION

Exide is a secondary lead smelter that manufactures "soft" lead (Pb >99.997%) ingots, "hard" lead (Pb <99.997% + other metals) ingots, and lead oxide. The entity operates a blast furnace and reverberatory furnace to reclaim lead from lead-bearing wastes which are generated by Exide or received from off-site generators.

Exide has been operating at the site since 2000 and employs approximately 130 workers. The facility operates 24 hours a day, seven days a week, approximately 350 days a year. The Standard Industrial Codes (SIC) that is applicable to their operations is 3341-Secondary Smelting and Refining of Non-ferrous Metals.

Exide operates under TCEQ Solid Waste Registration (SWR) No. 30516. Previous TCEQ (formerly Texas Natural Resource Conservation Commission (TNRCC)) SWR Nos. 50206 and 83335 were merged into SWR 30516. The entity also operates under Environmental Protection Agency (EPA) No. TXD006451090, TCEQ Multisector General Permit (Stormwater Permit) No. TXR05AE28, Wastewater Permit No. WQ0002964000, Wastewater EPA ID No. TX0103292, TCEQ Air Permit Nos. 1147A, 3048A, and Federal Operating Permit No. 01649 (Attachment 1: Central Registry Data).

Generated Wastes (Active)

According to Exide's Notice of Registration (NOR) (see Consolidated Compliance and Enforcement Data System (CCEDS) Investigation No. 880260-Attachment 2: NOR), Exide is classified as a Large Quantity Generator (LQG) of hazardous wastes. The entity actively generates 11 hazardous wastes and 13 Industrial Non-hazardous Class 2 wastes. For a detailed list of wastes actively generated by Exide, please see CCEDS Investigation No. 880260 -Attachment 3: Table of Waste Generated at Exide.

IHW Permit No. 50206

Exide operates as a RCRA Subtitle C hazardous wastes storage and treatment facility which requires an industrial and hazardous wastes (IHW) permit in accordance with Title 40 of the Code of Federal Regulations (CFR) Part 264 (40 CFR 264), Chapter 361 of the Texas Health and Safety Code, and Title 30 of the Texas Administrative Code (TAC) Chapter 335 (30 TAC 335).

IHW Permit No. 50206 was originally issued to Gould National Batteries, Inc. (GNB) on September 26, 1989. The current permit was reissued to Exide Corporation on March 30, 2001. According to IHW Permit No. 50206, Exide is authorized to store and process lead-acid batteries and other lead-bearing wastes in the permitted container storage area (Battery Receiving and Storage Building) (Permit Unit No. 01; NOR Unit No. 011) and the permitted containment building (Raw Materials Storage Building (RMSB)) (Permit Unit No. 02; NOR Unit No. 005).

IHW Permit No. 50206 has been modified twice since the March 30, 2001 renewal date. A November 19, 2001 modification authorized a company name change from Exide Corporation to Exide Technologies. An April 24, 2009 modification authorized an update to the contact information belonging to emergency response coordinators and other persons identified in the Contingency Plan. The expiration date of the current permit is March 30, 2011. TCEQ IHW Permits Section is reviewing the renewal application received on September 30, 2010.

GENERAL PROCESS

Exide operates a battery reclamation facility, receiving and recycling used lead acid batteries, lead-bearing wastewater treatment sludge from other Exide facilities, scrap lead, lead dross, battery plates, sump muds, and spent battery acid. These wastes are used to manufacture "soft" lead, "hard" lead, and lead oxide. Generators of the lead-bearing waste received at the facility include scrap metal recyclers, automotive industries, and the military. For a more detailed description of Exide's processes, please see CCEDS Inv. No. 880260.

TOPOGRAPHY, GEOLOGY, SURFACE WATER, AND GROUNDWATER

The Exide facility is located at 7471 S. 5th St., Frisco (Collin County). The facility occupies 59.10 acres of land within a 264 acre parcel also owned by Exide Technologies. The facility is located in River Segment 0823 in the Trinity River Basin. Stewart Creek, a small first order stream located in the Trinity Basin, flows in an east to west direction through the middle of the facility. The on-site segment of Stewart Creek flows in a northwest direction and turns southwest as it flows to Lake Lewisville (a drinking water supply), which is located approximately five miles downstream of the Exide facility. The Woodbine aquifer recharge zone is located just west of the facility and is locally recharged by Lewisville Lake, into which Stewart Creek drains into from the east. Therefore, the facility appears to be in a contributing zone to the aquifer recharge area.

The facility is located within a 100-year floodplain. A barrier wall was constructed in 1988 as part of the 1987 Agreed Order to protect against potential flood waters along the southern boundary of the main plant. The wall is also part of a run-off control system which routes stormwater run-off from the process area to the stormwater containment basin for subsequent treatment. The top of the ten inch thick barrier wall was maintained at a constant elevation of 637 feet. The effective barrier wall elevation is a minimum of 1.2 feet higher than the anticipated water surface elevation during a 100-year storm event.

SURROUNDING LAND USE INFORMATION

The site is located on the south side of Frisco in an area surrounded by residential, commercial, industrial, and agricultural land use. Residential land use is located within a 0.7 mile radius to the south, east, and north. The nearest residential property is Stonebrook Village Apartments which is located approximately 0.3 miles east of the facility. Frisco Police Department is approximately 0.4 miles southeast of the facility. Frisco High School is located 0.6 miles southeast of the facility. Frisco Senior Center is located approximately 0.5 miles northeast of the facility. The Dallas North Tollway is located approximately 0.4 miles south and 0.6 miles west of the facility. The Burlington North & Santa Fe Railroad runs along the property's west border.

BACKGROUND

In 1963, Burrs Metals, which was a division of GNB, constructed a building to manufacture lead oxide. In 1971, GNB began recycling lead acid batteries and became a secondary lead smelter. On May 24, 1988, GNB was issued an IHW permit for the storage of hazardous wastes. In 2000, Exide Corporation acquired GNB and the name of the facility changed to Exide Corporation. In 2001, Exide Corporation became Exide Technologies.

The site has two closed pre-RCRA landfills known as the North Disposal Area (NOR Unit No. 003) and South Disposal Area (NOR Unit No. 004) that were operated by GNB. The North Disposal was closed in 1978. The South Disposal Area was closed in 1974. Both disposal areas contain untreated slag, untreated refractory brick, and battery casing fragments (chips).

In the 1960s untreated slag was used to line a portion of Stewart Creek which runs through the facility. In 1988, the facility received a RCRA permit from the TCEQ to operate a hazardous waste container storage area and hazardous waste pile (NOR Unit No. 001-now inactive). The permit required the facility to conduct a RCRA facility investigation (RFI) for all of the solid waste management units that had been used at the facility including: the North Landfill (NOR Unit No. 007-inactivated in 1996), North Disposal Area, South Disposal Areas, and Stewart Creek. The inactive North Landfill was used to dispose of slag that had been treated using Zeolite and Enviroblend. For additional details pertaining to Exide's historical RFIs, Risk Assessments, and remediation activities, please see CCEDS Inv. No. 880260.

According to IHW Permit 50206, Exide is not required to conduct any groundwater monitoring. Exide has not collected any groundwater samples since 2002. According to Part B of the Permit Renewal Application, 20,000 to 40,000 tons of hazardous waste has been disposed on-site.

TCEQ RCRA Investigations after 2001 Permit Renewal

On July 2 & 3, 2002, TCEQ DFW Region staff traveled to the site and conducted a Compliance Evaluation Investigation (CEI) of a Generator, an IHW Waste Transporter Investigation, and an IHW CEI of a Permitted TSDF (CCEDS Investigation No. 4755 Report). During the investigation (Consolidated Compliance and Enforcement Data System (CCEDS) Investigation No. 4755), an alleged violation of 30 Texas Administrative Code (TAC) 335.6(c) was noted due to the entity's failure to update the NOR to accurately reflect site activities. This violation was resolved on July 15, 2002. During the investigation, TCEQ DFW Region staff also noted an additional issue regarding the deterioration of the concrete floor in the WWT Plant.

On June 2, 2005 and July 1, 2005, TCEQ DFW Region staff traveled to the site and conducted a CEI of a TSD (CCEDS Investigation No. 396096 Report). During the investigation (CCEDS Inv. No. 396096), an alleged violation of 30 TAC 335.4 and 2D Texas Water Code (TWC) 26.121 were noted due to the entity's failure to prevent the unauthorized discharge to surface soils and/or water by not maintaining the cover of the South Disposal Area, a pre-RCRA landfill. This violation was resolved on August 30, 2005.

On July 6, 2005, a complaint alleging disposal of hazardous slag wastes in the facility's on-site landfill was received by the TCEQ DFW Region Office (Incident Tracking No. 60857). On July 7, 2005, a Complaint Investigation (CCEDS Inv. No. 399218) was conducted by TCEQ DFW Region staff (CCEDS Investigation No. 399218). Observations by the TCEQ DFW Region staff during the investigation on July 1, 2005 as well as analytical results received in the TCEQ DFW Region Office on July 7, 2005 were determined to be sufficient to address the concerns alleged in the complaint. The analytical results submitted did not detect any hazardous concentrations of any constituent of concern and TCEQ DFW Region staff determined that the complaint was unsubstantiated.

On May 17-19, 2011 and May 26, 2011, TCEQ DFW Region staff traveled to the site and conducted an IHW CEI of a LQG, IHW CEI of a permitted TSDF, and an IHW Sampling Investigation. During the investigation, TCEQ DFW Region staff noted several alleged violations and additional issues. Specifically, TCEQ DFW Region staff noted the unauthorized discharge and disposal of hazardous wastes, an unauthorized waste pile (untreated slag), the failure to

perform hazardous waste determinations and waste classifications, the deterioration of solid waste units, the failure to install a leak detection system and secondary containment for a tank, tracking of waste out of a solid waste unit, permit violations, and recordkeeping violations. A Region Notice of Enforcement (NOE) Letter was transmitted to Exide in September 2011.

SUMMARY OF THE INVESTIGATION AND ADDITIONAL ISSUES

On June 20, 2011, Mr. Hardy, interim Environmental Manager for Exide, contacted Ms. Lewis to arrange an on-site meeting regarding the off-site battery chips, the alleged violations/additional issues noted during the May 2011 Investigation, and to acquire a list of the records requested by the TCEQ to Mr. James Messer, former Environmental Manager for Exide.

On June 28, 2011, Ms. Lewis accompanied by Ms. Wetmore, TCEQ DFW Region Wastewater Investigator, traveled to the site to conduct a Multi-media Investigation. Ms. Lewis conducted an Industrial and Hazardous Waste (IHW) Sampling Investigation and requested copies of Exide's operating records that were not submitted during the May 2011 investigation. Ms. Wetmore conducted a Compliance Evaluation Investigation of Exide's Multisector General Permit and Wastewater Permit (CCEDS Inv. No. 935268). Ms. Lewis contacted Mr. Hardy, Interim Environmental Manager; Mr. Kercher, Assistant Plant Manager; and Mr. Wendell Carlyle, Environmental Supervisor at the site. Ms. Lewis also contacted Mr. Ron Patterson, Assistant City of Frisco Manager; and Mr. Dan Wittliff, Managing Director for GDS Associates Inc. (City of Frisco consultants) at the site.

June 28 & 29, 2011 Sampling Investigation

During the May 2011 investigation (see agency files for CCEDS Investigation No. 880260), TCEQ DFW Region staff traveled to an off-site area west of the site and observed a material resembling battery chips scattered intermittently on the ground along the embankment of Stewart Creek. Mr. Messer, former Environmental Manager for Exide, stated the City of Frisco used the battery chips as road base material prior to the promulgation of RCRA (May 16, 1980). Ms. Messer stated that the battery chips observed on the embankment were probably generated by the deterioration of old 5th St. Old 5th St. is a historical road that can no longer be seen on the land's surface.

On June 28, 2011, representatives of the City of Frisco and Exide accompanied Ms. Lewis to a location immediately west of Exide's property boundary where the suspect battery chips were observed during the May 2011 Investigation. Ms. Lewis, Exide representatives, and City of Frisco representatives collected individual samples of the dark gray plastic material. Ms. Lewis and Exide representatives returned to the facility to collect additional samples. On June 29, 2011, Ms. Lewis completed the IHW Sampling Investigation.

During the June 2011 Investigation, Ms. Lewis also collected two grab water samples and three additional grab solid samples (Attachment 2: Photographs of Sampling Points; Attachment 3: Sampling Points Table and Aerial Photograph). Samples 1 through 5 were analyzed for RCRA 8 metals (lead (Pb), cadmium (Cd), chromium (Cr), mercury (Hg), barium (Ba), selenium (Se), silver (Ag), and arsenic (As)), antimony (Sb), beryllium (Be), zinc (Zn), nickel (Ni), and tin (Sn). Sample 6 was analyzed for Pb only. The results (Attachment 4: June 2011 Analytical Sample Results) are as follows:

Map ID No. 1

Sample ID No. 421667-001

Chain of Custody (COC) Tag No. 47341-01

Date/Time: 06/28/11 @ 2:59P

Description: Grab soil sample from Stewart Creek embankment next to barrier wall near the Battery Storage Area (CSA)

Requested Analysis: RCRA 8 Metals, Sb, Be, Zn, Ni, and Sn

Constituent(s) of Concern:

-Total Pb = 940 mg/kg

-TCLP Pb = Below Detection

-Total Cd = 46.5 mg/kg

-TCLP Cd = Below Detection

*Total Zinc = 615 mg/kg (no Class 1 or Hazardous Characteristic standard for zinc)

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Map ID No. 2

Sample ID No. 421667-002

Chain of Custody (COC) Tag No. 47341-02

Date/Time: 06/28/11 @ 3:20P

Description: Grab water sample from Stewart Creek near Stormwater Pond Outfall 001

Requested Analysis: RCRA 8 Metals, Sb, Be, Zn, Ni, and Sn

Constituent(s) of Concern: None

Map ID No. 3

Sample ID No. 421667-003

Chain of Custody (COC) Tag No. 47341-03

Date/Time: 06/29/11 @ 9:20A

Description: Grab soil sample collected near north air monitor.

Requested Analysis: RCRA 8 Metals, Sb, Be, Zn, Ni, and Sn

Constituent(s) of Concern:

-Total Pb = 196 mg/kg

-TCLP Pb = Below Detection

Map ID No. 4

Sample ID No. 421667-004

Chain of Custody (COC) Tag No. 47341-04

Date/Time: 06/29/2011 @ 9:35A

Description: Grab liquid sample from Solar Evaporation Pond

Requested Analysis: RCRA 8 Metals, Sb, Be, Zn, Ni, and Sn

Constituent(s) of Concern: None

Map ID No. 5

Sample ID No. 421667-005

Chain of Custody (COC) Tag No. 47341-05

Date/Time: 06/29/2011 @ 11:07A

Description: Grab soil sample from the undeveloped land on the east side of the facility

Requested Analysis: RCRA 8 Metals, Sb, Be, Zn, Ni, and Sn

Constituent(s) of Concern: None

Map ID No. 6

Sample ID No. 421667-006

Chain of Custody (COC) Tag No. 47341-06

Date/Time: 06/28/2011 @ 11:15A

Description: Grab solid sample from Stewart Creek embankment (off-site) (suspected battery chips)

Requested Analysis: Pb

Constituent(s) of Concern:

-Total Pb = 139 mg/kg

-TCLP Pb = 1.79 mg/L

The identity of the dark gray plastic solid observed immediately west of the Exide's property was confirmed as battery chips through photographic documentation on July 1, 2011. The analytical sample results of this material detected elevated concentrations of lead (Total Pb = 139 mg/kg; TCLP Pb = 1.79 mg/L).

Review of sample results indicated elevated concentrations of lead and cadmium (Total Pb = 940 mg/kg; Total Cd = 46.5 mg/kg) along the barrier wall that could potentially impact the waters of Stewart Creek; however, according to the analytical sample results of the water samples collected from Stewart Creek during the May 2011 investigations (see CCEDS Inv. No. 880260) and the June 2011 investigation, it does not appear that the lead and cadmium discharges from the facility have contaminated the Stewart Creek waters. Analytical sample results collected from three locations indicate there are no detectable concentrations of lead or cadmium in the water. No

sediment samples were collected from Stewart Creek because Ms. Lewis was unable to obtain a sample through the riff raff lining (rock basket) the bottom of the creek.

Elevated concentrations of lead were also detected in surface soil near the north air monitor (Total Pb = 196 mg/kg). A sample was collected from the property on the east side of the facility, which is also owned by Exide, to determine if there were elevated concentrations of heavy metals. The analytical sample results did not detect the presence of elevated concentrations of heavy metals. Ms. Lewis collected a sample from the Solar Evaporation Pond to determine if the contact water and leachate from the active Class 2 Landfill contained any elevated concentrations of heavy metals. The water collected from the Solar Evaporation Pond did not contain any elevated concentration of heavy metals. Ms. Lewis was not able to collect any sediment from the Solar Evaporation Pond due to safety reasons caused by the pond's steep angle of decline.

Case Development Investigation

From September 6, 2011 to September 13, 2011, Ms. Lewis conducted an IHW Case Development Investigation on records submitted by Exide to the TCEQ DFW Region Office on July 14, 2011, July 27, 2011, and July 28, 2011 (Attachment 5: Treated Slag Sample Analysis Results (2008-2011) Submitted by Exide; Attachment 6: Records Request Documents Submitted by Exide; Attachment 7: Alleged Violations and Additional Issues Response Letter).

The submitted documents included a response to alleged violations and additional issues noted during the May 2011 investigation, a surface drainage map, a wastewater flow diagram, a disposal area exhibit aerial photograph, an Exide Concept Plan aerial photograph, satellite accumulation area map, photographs of the active non-hazardous landfill, a treated slag sampling plan, a summary of the slag-treatment process, a stormwater flow diagram, and analytical sample results of the treated slag.

The submitted analytical sample results of the treated slag (Attachment 5) indicated that at least 614 treated slag samples exceeded the Land Disposal Restriction (LDR) standards for lead (TCLP = 0.75 mg/L) from 2008 to 2011. Of the 614 samples failing to meet LDR standards, 340 exhibited the hazardous characteristic for lead toxicity (TCLP=5.0 mg/L). During the May 2011 and June 2011 investigations, Mr. Messer (former Exide Environmental Manager) stated the treated blast slag is first sampled and then disposed in the active non-hazardous landfill before the sample results are returned. According to Exide representatives, if the analytical sample results show that treated slag exceed the LDR standard, Exide removes the treated slag from the landfill and re-treats it. No alleged violations were noted during this Case Development Investigation because the alleged violations associated with the unauthorized disposal of a waste exceeding the LDR standard was included in the May 2011 Investigation (see CCEDS Inv. No. 880260) which was referred to the TCEQ Enforcement Division in September 2011.

The alleged violations and additional issues response letter (Attachment 6) documented that no records pertaining to satellite accumulation areas or personnel training records were located. However, Exide did generate and submit a template including the personnel training description for future training events and a map of the satellite accumulation areas as a result of the investigation.

The alleged violations and additional issues response letter (Attachment 7) addressed the TCEQ request for a hazardous waste determination and waste classification on PPE, equipment and vehicle wash down water generated in the Slag Treatment Tank, and shrink wrap. The shrink wrap and cardboard packaging, in addition to the wash down water, was determined to be non-hazardous according to analytical sample results. The PPE was determined to be hazardous using process knowledge. Since the spent PPE was determined to be hazardous waste, then the containers in which spent PPE is disposed are considered hazardous waste satellite containers subject to 40 CFR 264 Subpart I. Also required by rule, is a record of every satellite accumulation area. A satellite accumulation area map was included with the submitted documents.

During the July 7, 2011 exit interview, TCEQ DFW Region staff alleged that there were two unauthorized waste piles observed during the May 2011 and June 2011 investigations. One pile being the untreated blast furnace slag adjacent to the blast furnace and the other pile being the

gun shooting berm on the South Disposal Area. Between July 8, 2011 and July 13, 2011, TCEQ staff determined the untreated blast furnace slag near blast furnace was the only unauthorized waste pile. On July 27, 2011, Mr. Hardy contacted Ms. Lewis to discuss the alleged violations and additional issues response letter which was transmitted electronically to Ms. Lewis later that day. During the phone conversation, Ms. Lewis informed Mr. Hardy that the TCEQ staff determined that only one unauthorized waste pile would be included in the enforcement action. Ms. Lewis also informed Mr. Hardy that the TCEQ would request that a hazardous waste determination and waste classification be performed on the gun shooting range. Ms. Lewis and Mr. Hardy agreed that no changes to the Exide response letter regarding the gun shooting berm and untreated blast furnace slag was necessary at the time and that the letter could be transmitted electronically and mailed to the TCEQ DFW Region Office later that day. On July 27, 2011, Exide submitted an electronic copy of the alleged violation and additional issue response letter to the TCEQ DFW Region Office. In that letter, Exide disagrees with the TCEQ determination that both the untreated blast furnace slag and the gun shooting berm are unauthorized waste piles. The untreated blast furnace slag was included in the September 2011 NOE letter as an unauthorized waste pile and this matter is currently under review by the TCEQ. Again, the gun shooting berm was not included in the September 2011 NOE letter as an unauthorized waste pile, but instead as solid waste subject to a hazardous waste determination/waste classification and proper disposal at an authorized facility.

During the May 2011 investigation, TCEQ staff included an additional issue regarding the unauthorized disturbance of the cover of a closed City of Frisco MSW (municipal solid waste) landfill possibly located beneath the Bale Stabilization Area. According to 30 TAC 330 Subchapter T, an entity may not disturb the cover of a closed MSW landfill without authorization from the TCEQ. The TCEQ requested records documenting the delineation of the MSW landfill. The alleged violation and additional issue response letter submitted in July 2011 included a 1991 RFI and map that documented the closed MSW landfill was immediately west of the Bale Stabilization Area and not directly beneath it. None of Exide's activities occur over MSW landfill and the cover has not been disturbed.

The documents submitted by Exide during the Case Development Investigation were forwarded to the TCEQ Enforcement Division for review. The TCEQ Enforcement Division will determine if these documents adequately address the alleged violations and additional issues noted in the September 2011 NOE letter.

CONCLUSION

No Exit Interview Form was transmitted to the Exide because no additional alleged violations or additional issues were noted during the June 2011 and September 2011 investigations. Specifically, no alleged violation(s) were noted for the elevated concentrations of lead and cadmium noted in a soil sample (Sample ID No. 421667-01) collected near the barrier wall because the area was included in the September 2011 Notice of Enforcement (Violation Tracking No. 444319).

ATTACHMENTS


- Attachment 1: Central Registry Data
- Attachment 2: Photographs of Sampling Points
- Attachment 3: Sampling Points Table and Aerial Photograph
- Attachment 4: June 2011 Analytical Sample Results
- Attachment 5: Slag Sample Analysis Results (2008-2011) Submitted by Exide
- Attachment 6: Records Request Documents Submitted by Exide
- Attachment 7: Alleged Violations and Additional Issues Response Letter

No Violations Associated to this Investigation

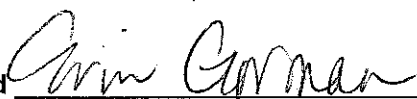
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Signed 
Environmental Investigator

Date 2/14/12

Signed 
Supervisor

Date 2/15/12

Attachments: (in order of final report submittal)

- ☐ Enforcement Action Request (EAR)
- ☐ Letter to Facility (specify type) : _____
- Investigation Report
- ☒ Sample Analysis Results
- ☐ Manifests
- ☐ NOR

- ☒ Maps, Plans, Sketches
- ☒ Photographs
- ☒ Correspondence from the facility
- ☐ Other (specify) : _____